

## **REMARKS**

### **I. Overview**

These remarks are set forth in response to the Last Final Office Action. Presently, claims 1 through 14 are pending in the Patent Application. Claims 1 and 9 are independent in nature. In the Last Final Office Action, claims 1 through 14 remain rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,947,943 to DeAnna et al. ("DeAnna"). In response, *Applicants have amended claims 1, 6 and 9 to expressly include the teachings of paragraphs [0026] and [0027] of Applicants' published specification. Accordingly, no new matter has been added.*

### **II. The Applicants' Invention**

As set forth in the first paragraph of page 9 of Applicants' originally filed specification, the Applicants have invented an IMAP server which has been programmed for integration with a collaborative messaging application within an application server. The IMAP server can include a platform independent collection of classes and can be configured to operate within a virtual machine. To that end, the IMAP server can be a Java application

which comports with the J2EE specification. The IMAP server can be communicatively coupled to a data store of messages and can respond to requests to manage the messages through the collaborative messaging application. Additionally, access to the IMAP server can be regulated by authentication logic disposed within the application server.

### III. Rejections Under 35 U.S.C. § 102(e)

At pages 3 and 4 of the Last Final Office Action, Examiner generally rejects claims 1 through 14 and specifically claim 1 as being anticipated by DeAnna. Under the law, the factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference.<sup>1</sup> Moreover, the anticipating prior art reference must describe the recited invention with sufficient clarity and detail to establish that the claimed limitations existed in the prior art and that such existence would be recognized by one having

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<sup>1</sup> In re Schreiber, 128 F.3d 1473, 1477 (Fed. Cir. 1997) ("To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently"), In re Rijckaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); Perkin-Elmer Corp. v. Computervision Corp., 732 F.2d 888, 894, 221 USPQ 669, 673 (Fed. Cir. 1984).

ordinary skill in the art.<sup>2</sup> Absence from an allegedly anticipating prior art reference of any claimed element negates anticipation.<sup>3</sup>

With the law of anticipation in mind, claims 1 and 9 relate to a mail server cell for collaborative messaging. Exemplary claim 1 recites:

1. In a collaborative messaging system, a mail server cell comprising:  
a logical grouping of different application server nodes disposed and executing within an application server hosting an application programming interface to expose business logic and business processes for use by other applications, each of the different application server nodes hosting a different Internet Message Access Protocol (IMAP) compliant mail client and coupled to a single, different data store configured for storing electronic mail messages; and,  
an Internet Message Access Protocol (IMAP) compliant mail server executing in a computer and coupled to said logical grouping of application server nodes.

Integral to claim 1, and also claim 9 which recites similar operable limitations, is the presence of multiple different application server nodes in an application server, each of the nodes providing an IMAP client servicing a single data store of mail messages. So much cannot be found in DeAnna.

Rather, in DeAnna, a single application server (element 5 referred to as the "J2EE Application Server") is provided with only a single mail server

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<sup>2</sup> See In re Spada, 911 F.2d 705, 708, 15 USPQ 1655, 1657 (Fed. Cir. 1990); Diversitech Corp. v. Century Steps Inc., 850 F.2d 675, 678, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988).

<sup>3</sup> Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 1571 (Fed. Cir. 1986)(emphasis added).

coupled thereto. For the convenience of the Examiner, Figure 1 of DeAnna is provided as follows:

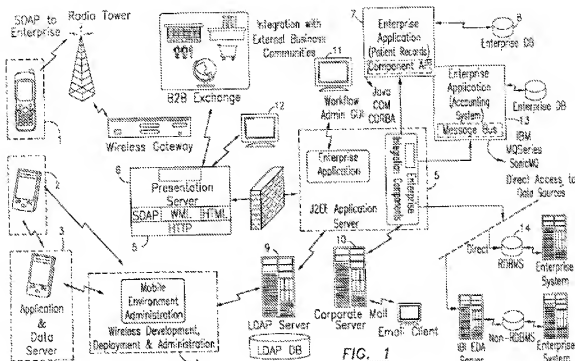
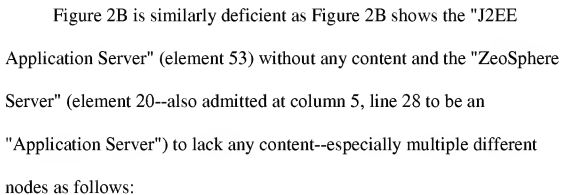
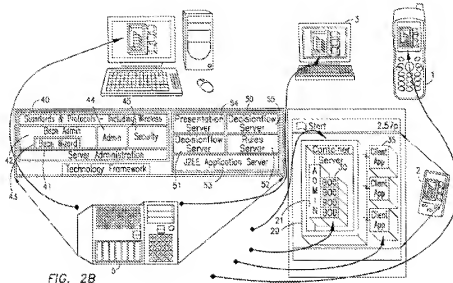


Figure 4 does not cure the deficiencies of Figure 1 to the extent that in Figure 4 of DeAnna, again only a single IMAP server is shown coupled to a box labeled "process" that includes a few processes as shown herein:



U.S. Patent  
Sep. 20, 2002  
Sheet 3 of 9  
U.S. 6,917,943 B2

Applicants' claims, however, require that the application server (the ZeoSphere Server of Figure 2B or J2EE Application Server of Figure 1 and 2A of DeAnna) include therein multiple different nodes, each of which has an IMAP client which is coupled to a different, single data store of mail. So much is not provided within DeAnna as Examiner can plainly see.

## V. Conclusion

Applicants respectfully requests the withdrawal of the rejections under 35 U.S.C. § 102(e) owing to the amended claims and foregoing remarks.

The Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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